

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

Criminal No. 05-30032-MAP

VIOLATIONS:

21 U.S.C. § 846 -  
Conspiracy to Possess  
with Intent to Distribute  
and Distribution of  
Cocaine (Counts One and  
Three)

v.

21 U.S.C. § 841(a)(1) -  
Possession with Intent to  
Distribute and  
Distribution of Cocaine  
Base (Counts Two and  
Four)

(1) LUZ TORRES,  
(2) GABRIEL ORTIZ,  
and  
(3) LUIS RIVERA,  
Defendants

18 U.S.C. § 2 -  
Aiding and Abetting  
(Counts Two and Four)  
  
21 U.S.C. § 853 -  
Forfeiture Allegation

INDICTMENT

The Grand Jury charges that:

COUNT ONE: Title 21, United States Code, Section 846 -  
Conspiracy to Possess with Intent to Distribute  
and Distribution of Cocaine Base

From a time unknown to the Grand Jury, but at least by or  
about December 2004, and continuing thereafter, in the city of  
Springfield, and elsewhere in the District of Massachusetts,

(1) LUZ TORRES  
and  
(2) GABRIEL ORTIZ

the defendants herein, did knowingly and intentionally conspire and agree with each other and persons unknown to the Grand Jury, to possess with intent to distribute, and to distribute, a quantity of cocaine base in the form of crack cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The conspiracy to possess with the intent to distribute and distribution of cocaine base described in Count One of the Indictment involved five grams or more of a mixture or substance containing a detectable amount of cocaine base in the form of crack cocaine, a Schedule II Controlled Substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii) applies to Count One.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO:** Title 21, United States Code, Section 841(a)(1) - Possession with the Intent to Distribute and Distribution of Cocaine Base; Title 18, United States Code, Section 2 - Aiding and Abetting

On or about December 21, 2004, in the city of Springfield, in the District of Massachusetts,

(1) LUZ TORRES  
and  
(2) GABRIEL ORTIZ

the defendants herein, did knowingly and intentionally possess with intent to distribute and distribute a quantity of cocaine base in the form of crack cocaine, a Schedule II controlled substance.

The possession with the intent to distribute and distribution of cocaine base described in Count Two of the Indictment involved five grams or more of a mixture or substance containing a detectable amount of cocaine base in the form of crack cocaine, a Schedule II Controlled Substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii) applies to Count Two.

All in violation of Title 21, United States Code, Section 841(a)(1); and, Title 18, United States Code, Section 2.

**COUNT THREE: Title 21, United States Code, Section 846 -  
Conspiracy to Possess with Intent to Distribute  
and Distribution of Cocaine Base**

From a time unknown to the Grand Jury, but at least by or about March 2005, and continuing thereafter, in the city of Springfield, and elsewhere in the District of Massachusetts,

**(1) LUZ TORRES  
and  
(2) LUIS RIVERA**

the defendants herein, did knowingly and intentionally conspire and agree with each other and persons unknown to the Grand Jury, to possess with intent to distribute, and to distribute, a quantity of cocaine base in the form of crack cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The conspiracy to possess with the intent to distribute and distribution of cocaine base described in Count Three of the Indictment involved five grams or more of a mixture or substance containing a detectable amount of cocaine base in the form of crack cocaine, a Schedule II Controlled Substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii) applies to Count Three.

All in violation of Title 21, United States Code, Section 846.

**COUNT FOUR:** Title 21, United States Code, Section 841(a)(1) - Possession with the Intent to Distribute and Distribution of Cocaine Base; Title 18, United States Code, Section 2 - Aiding and Abetting

On or about March 29, 2005, in the city of Springfield, in the District of Massachusetts,

(1) LUZ TORRES  
and  
(2) LUIS RIVERA

the defendants herein, did knowingly and intentionally possess with intent to distribute and distribute a quantity of cocaine base in the form of crack cocaine, a Schedule II controlled substance.

The possession with the intent to distribute and distribution of cocaine base described in Count Four of the Indictment involved five grams or more of a mixture or substance containing a detectable amount of cocaine base in the form of crack cocaine, a Schedule II Controlled Substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii) applies to Count Four.

All in violation of Title 21, United States Code, Section 841(a)(1); and, Title 18, United States Code, Section 2.

**FORFEITURE ALLEGATION**  
**(21 U.S.C. § 853)**

1. As a result of the offenses alleged in Counts One through Four of this Indictment,

- (1) LUZ TORRES,**
- (2) GABRIEL ORTIZ, and**
- (3) LUIS RIVERA,**

Defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of the offenses, and any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

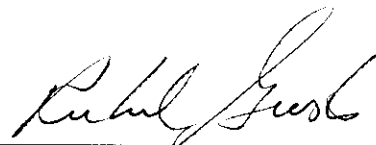
2. If any of the properties described in paragraph 1, above, as a result of any act or omission of the defendants -

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

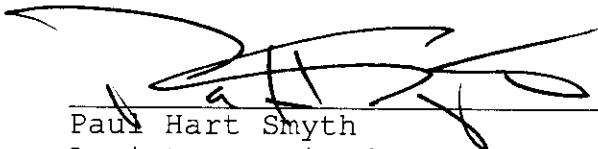
it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section  
853.

A TRUE BILL



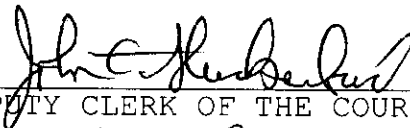
FOREPERSON OF THE GRAND JURY



Paul Hart Smyth  
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS: JUNE 9, 2005

Returned into the District Court by the Grand Jurors and filed.



DEPUTY CLERK OF THE COURT

3:55 PM



**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: \_\_\_\_\_ Category No. II Investigating Agency FBICity Springfield Related Case Information:County Hampden Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Luz Elaine Torres Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 827 Berkshire Avenue, Indian Orchard, MABirth date (Year only): 1963 SSN (last 4 #): \_\_\_\_\_ Sex F Race: \_\_\_\_\_ Nationality: \_\_\_\_\_

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Paul H. Smyth Bar Number if applicable 634600Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: \_\_\_\_\_

☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 4

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: JUNE 9, 2004 Signature of AUSA: 

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Luz Elaine Torres

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21:846</u>	<u>Conspir. to possess w/intent to dist. cocaine base</u>	<u>1,3,</u>
Set 2	<u>21:841(a)(1)</u>	<u>Possess. w/intent to dist. &amp; distr. of cocaine base</u>	<u>2,4</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION:

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: \_\_\_\_\_ Category No. II Investigating Agency FBICity Springfield Related Case Information:County Hampden Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Gabriel Ortiz Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 20 Easthampton Road, Holyoke, MABirth date (Year only): 1983 SSN (last 4 #): 2135 Sex F Race: \_\_\_\_\_ Nationality: \_\_\_\_\_

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Paul H. Smyth Bar Number if applicable 634600Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: \_\_\_\_\_

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Continue on Page 2 for Entry of U.S.C. Citations

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JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Luz Elaine Torres

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21:846</u>	<u>Conspir. to possess w/intent to dist. cocaine base</u>	<u>1</u>
Set 2	<u>21:841(a)(1)</u>	<u>Possess. w/intent to dist. &amp; distr. of cocaine base</u>	<u>2</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

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Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Luis Rivera Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 89 Commonwealth Avenue, 1st Floor, Springfield, MABirth date (Year only): 1963 SSN (last 4 #): 7895 Sex M Race: Hispanic Nationality: \_\_\_\_\_

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Paul H. Smyth Bar Number if applicable 634600Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: \_\_\_\_\_

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Continue on Page 2 for Entry of U.S.C. Citations

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JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Luis Rivera

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21:846</u>	<u>Conspir. to possess w/intent to dist. cocaine base</u>	<u>3</u>
Set 2	<u>21:841(a)(1)</u>	<u>Possess. w/intent to dist. &amp; distr. of cocaine base</u>	<u>4</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: